

AN ACT

RELATING TO LAW ENFORCEMENT; PROVIDING THAT NOTICE OF AN AMBER ALERT BE GIVEN TO CERTAIN CELLULAR SERVICE COMPANIES AND PAGING SERVICE COMPANIES SO THAT A TEXT MESSAGE MAY BE SENT TO CUSTOMERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 29-15A-3 NMSA 1978 (being Laws 2003, Chapter 93, Section 3) is amended to read:

"29-15A-3. STATE POLICE--AMBER ALERT NOTIFICATION PLAN--DECLARATION OF AMBER ALERT.--

A. The state police shall develop and implement an AMBER alert notification plan for the purpose of disseminating, as rapidly as possible, information about a child abduction so that law enforcement agencies and citizens throughout the state may be aware and vigilant. The plan shall:

(1) provide a procedure for notifying the lead station by the authorized requester that an AMBER alert has been declared. The procedure shall include codes for use by the authorized requester in communicating with the lead station to prevent false alerts;

(2) provide a procedure in which other state and private print, radio, television or other media may alert the members of the public of the abduction;

(3) include a procedure for notifying the radio communications bureau of the communications division of the general services department that an AMBER alert has been declared. The bureau shall immediately transmit the notification and related information to all state field operations employees so that they may be aware and vigilant in the course of their regular activities;

(4) include a procedure for notifying a representative of each cellular service company and paging service company operating in New Mexico so that a text message may be sent to the company's customers at no additional expense to the recipient or to any service that accepts the information from the authorized requester and delivers it to the cellular service or paging service company;

(5) include a procedure for notifying all local and federal law enforcement agencies that an AMBER alert has been declared; and

(6) provide for dissemination of information about a child or a child's abductor to the lead station, the radio communications bureau and local law enforcement agencies when an AMBER alert has been declared.

B. The state police shall distribute the AMBER alert notification plan to all local law enforcement agencies and provide such training and other assistance as is necessary to ensure that the plan can be properly implemented.

C. The authorized requester may declare an AMBER alert when the requester has reason to believe that:

(1) a child under the age of eighteen has been abducted by an unrelated person;

(2) the child is in imminent danger of serious bodily harm or death; and

(3) there is specific information available about the child or the child's abductor that may assist in an expedient and successful end to the abduction.

D. Once an AMBER alert has been declared, only the authorized requester may terminate the AMBER alert."

Section 2. A new section of the Cellular Telephone Services Act is enacted to read:

"AMBER ALERT NOTIFICATION.--

A. Each cellular service company or paging service company that is authorized to conduct business in New Mexico and offers text messaging services to its customers shall file with the authorized requester, designated by the chief of the New Mexico state police pursuant to the AMBER Alert Law, the names and telephone numbers of representatives that will be available at all times for notification of an AMBER alert.

B. The authorized requester may designate one or more services to accept notification of an AMBER alert and deliver the notification to each cellular service company or paging service company. Connections with the services shall

